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An Act To Require the Department of Health and Human Services To Procure an Equal Supply of Vaccine from Each Manufacturer of That Vaccine under Certain Circumstances

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1066 is enacted to read:

§ 1066. Procurement of equivalent vaccines

1. Definition. As used in this section, unless the context otherwise indicates, "equivalent vaccines" means 2 or more vaccines, excluding the influenza vaccine, that protect a recipient of a vaccine against the same infection, that require the same number of doses, that have similar safety and efficacy profiles and that are recommended for comparable populations.

2. Equal supply required. Except as provided by subsection 4, when 2 or more manufacturers produce equivalent vaccines, the department shall procure an equal supply of the vaccine from each manufacturer.

3. Equivalent vaccine. An equivalent vaccine procured by the department must be:

A. Approved by the United States Food and Drug Administration;

B. Recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices; and

C. Made available to the department by the United States Department of Health and Human Services, Centers for Disease Control and Prevention.

4. Cost. The department shall procure an equal supply of an equivalent vaccine under subsection 2 only if the cost to the department of providing the equivalent vaccine is not more than 110% of the lowest-priced equivalent vaccine.

SUMMARY

This bill requires the Department of Health and Human Services to procure an equal supply of vaccine from each manufacturer of that vaccine if 2 or more manufacturers produce equivalent vaccines and the cost to the department of providing each equivalent vaccine is not more than 110% of the lowest-priced equivalent vaccine.